

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CASE NO. 14-20133
HON. DENISE PAGE HOOD**

ROBERT DEMETRIUS JACKSON,

Defendant.

_____ /

**ORDER GRANTING MOTION TO STAY AND
STAYING LITIGATION PENDING SUPREME COURT'S
DECISION IN *BECKLES V. UNITED STATES***

Defendant Robert Demetrius Jackson filed a motion under 28 U.S.C. § 2255 claiming ineffective assistance of counsel and the incorrect application of the sentencing guideline range based on the Supreme Court's invalidation of the residual clause of the Armed Career Criminal Act as unconstitutionally vague under the Due Process Clause of the Fifth Amendment. *Johnson v. United States*, 136 S.Ct. 2551, 2563 (2015). The Government seeks to stay the litigation pending the Supreme Court's Decision in *Beckles v. United States*, No. 15-8544, 2016 WL 1029080 (U.S. June 27, 2016) (Mem.) where the Supreme Court granted *certiorari* on the issue of whether *Johnson* should be applied retroactively.

Recently, the Sixth Circuit in two published opinions, *In re Embry*, ___ F.3d

____, No. 16-5447, 2016 WL 4056056 (6th Cir. July 29, 2016) and *In re: Antonio D. Patrick*, ____ F.3d ____, No. 16-5353 (6th Cir. Aug. 12, 2016), indicated that the most appropriate procedure is to hold the cases in abeyance pending the Supreme's Court decision in *Beckles*.

Accordingly,

IT IS ORDERED that the Government's Motion to Stay the briefing in this matter (**Doc. No. 61**) is GRANTED. The briefing and litigation in this matter is STAYED. The parties will notify the Court when the *Beckles* decision is issued. A briefing schedule will then be issued at that time and the matter will proceed accordingly.

S/Denise Page Hood

Denise Page Hood

Chief Judge, United States District Court

Dated: November 8, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 8, 2016, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager